

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20705

ALI DARWICH,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S
MOTION TO SUPPRESS**

Before the court is pro se Defendant Ali Darwich's a "Motion to Suppress" filed on June 18, 2012. Defendant argues that the court should "suppress" any evidence the Government seeks to admit under Federal Rule of Criminal Procedure 404(b). He also seems to request a severance from any Defendant in which the Government seeks to admit evidence under Rule 404(b). The Government responds, correctly, that because all Defendants other than Defendant Darwich have pleaded guilty, his request for a severance is moot. Moreover, according to the Government, that the evidence to which Defendant refers is actually part of the *res gestae* of the crime and therefore does not implicate Rule 404(b). See *United States v. Hardy*, 228 F.3d 745, 748 (6th Cir. 2000). The court is persuaded that Defendant's motion should therefore be denied. To the extent any Government evidence does implicate Rule 404(b), the court will address it, as it typically does, during the trial itself, when the court has sufficient information to rule on the relevance or admissibility of the evidence. At this point, however,

IT IS ORDERED that the Defendant's "Motion to Suppress" [Dkt # 496] is
DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 17, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522